

SENATE FLOOR SUBSTITUTE FOR  
SENATE BILL 666

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO TRANSPORTATION FUNDING; ENACTING THE LOCAL GASOLINE TAX ACT; AUTHORIZING COUNTIES AND MUNICIPALITIES TO IMPOSE A LOCAL GASOLINE TAX TO FUND PUBLIC TRANSIT AND LIGHT RAIL SYSTEMS; AUTHORIZING THE ISSUANCE OF REVENUE BONDS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 7-24C-1 NMSA 1978 is enacted to read:

"7-24C-1. [NEW MATERIAL] SHORT TITLE. -- Chapter 7, Article 24C NMSA 1978 may be cited as the "Local Gasoline Tax Act". "

Section 2. A new Section 7-24C-2 NMSA 1978 is enacted to read:

"7-24C-2. [NEW MATERIAL] DEFINITIONS. -- As used in the Local Gasoline Tax Act:

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1           A. "county" means a county, including an H class  
2 county;

3           B. "department" means the taxation and revenue  
4 department, the secretary of taxation and revenue or any  
5 employee of the department exercising authority lawfully  
6 delegated to that employee by the secretary;

7           C. "governing body" means the city council or city  
8 commission of a city, the board of trustees of a town or  
9 village and the board of county commissioners of a county; and

10          D. "municipality" means any incorporated city, town  
11 or village, whether incorporated under general act, special act  
12 or special charter. "

13          Section 3. A new Section 7-24C-3 NMSA 1978 is enacted to  
14 read:

15           "7-24C-3. [NEW MATERIAL] COUNTY LOCAL GASOLINE TAX--  
16 AUTHORIZATION--IMPOSITION--RATE--USE OF REVENUES--ELECTION.--

17           A. The majority of the members of the governing  
18 body of a county may adopt an ordinance imposing a tax of up to  
19 three cents (\$.03) per gallon on all gasoline received in New  
20 Mexico and distributed within the boundaries of the county on  
21 all property not lying within the boundaries of a municipality  
22 and upon which gasoline taxes are imposed in accordance with  
23 the Gasoline Tax Act. The tax may be imposed in increments of  
24 one cent (\$.01) per gallon up to a maximum of three cents  
25 (\$.03) per gallon.

1           B. The tax imposed pursuant to this section may be  
2 referred to as the "county local gasoline tax" and is in  
3 addition to the tax imposed by the Gasoline Tax Act.

4           C. An ordinance imposing a county local gasoline  
5 tax pursuant to Subsection A of this section shall state the  
6 amount of the tax and shall specify the purposes for which the  
7 revenues from the tax may be used, which may include only the  
8 following:

9                   (1) payment of public transit revenue bonds  
10 issued pursuant to Chapter 4, Article 62 NMSA 1978;

11                   (2) acquisition, planning, design or  
12 construction of, improvements to or operation of a public  
13 transit or light rail system, including acquisition of rights  
14 of way and construction of track for such a system; and

15                   (3) acquisition, maintenance or repair of or  
16 improvements to track, vehicles and other equipment or  
17 facilities necessary to operate a public transit or light rail  
18 system.

19           D. If the governing body of a county that has  
20 adopted a charter adopts an ordinance imposing a county local  
21 gasoline tax, the question of levying the tax shall be subject  
22 to referendum as provided in the charter.

23           E. If the governing body of a county that has not  
24 adopted a charter adopts an ordinance imposing a county local  
25 gasoline tax, the question of levying the tax shall be

1 submitted to the qualified electors in the county residing  
2 outside the boundaries of a municipality. The ordinance  
3 imposing the tax shall not go into effect until after an  
4 election is held and a simple majority of the qualified  
5 electors voting in the election votes in favor of imposing the  
6 tax. The governing body shall provide for an election within  
7 sixty days after the day the ordinance is adopted. The  
8 question may be submitted to the electors and voted upon as a  
9 separate question at any general election or at any special  
10 election called for that purpose by the governing body. The  
11 election upon the question shall be called, held, conducted and  
12 canvassed in substantially the same manner as provided by law  
13 for general elections. "

14 Section 4. A new Section 7-24C-4 NMSA 1978 is enacted to  
15 read:

16 "7-24C-4. [NEW MATERIAL] MUNICIPAL LOCAL GASOLINE TAX--  
17 AUTHORIZATION--IMPOSITION--RATE--USE OF REVENUES--ELECTION.--

18 A. The majority of the members of the governing  
19 body of a municipality may adopt an ordinance imposing a tax of  
20 up to three cents (\$.03) per gallon on all gasoline received in  
21 New Mexico and distributed within the boundaries of the  
22 municipality and upon which gasoline taxes are imposed in  
23 accordance with the Gasoline Tax Act. The tax may be imposed  
24 in increments of one cent (\$.01) per gallon up to a maximum of  
25 three cents (\$.03) per gallon.

1           B. The tax imposed pursuant to this section may be  
2 referred to as the "municipal local gasoline tax" and is in  
3 addition to the tax imposed by the Gasoline Tax Act.

4           C. An ordinance imposing a municipal local gasoline  
5 tax pursuant to Subsection A of this section shall state the  
6 amount of the tax and shall specify the purposes for which the  
7 revenues from the tax may be used, which may include only the  
8 following:

9                   (1) payment of public transit revenue bonds  
10 issued pursuant to Chapter 3, Article 31 NMSA 1978;

11                   (2) acquisition, planning, design or  
12 construction of, improvements to or operation of a public  
13 transit or light rail system, including acquisition of rights  
14 of way and construction of track for such a system; and

15                   (3) acquisition, maintenance or repair of or  
16 improvements to track, vehicles and other equipment or  
17 facilities necessary to operate a public transit or light rail  
18 system.

19           D. If the governing body of a municipality that has  
20 adopted a charter adopts an ordinance imposing a municipal  
21 local gasoline tax, the question of levying the tax shall be  
22 subject to referendum as provided in the charter.

23           E. If the governing body of a municipality with a  
24 commission-manager form of government adopts an ordinance  
25 imposing a municipal local gasoline tax, the question of

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1 levying the tax shall be subject to referendum as provided in  
2 Section 3-14-17 NMSA 1978.

3 F. If the governing body of a municipality other  
4 than those described in Subsection D or E of this section  
5 adopts an ordinance imposing a municipal local gasoline tax,  
6 the question of levying the tax shall be submitted to the  
7 qualified electors in the municipality. The ordinance imposing  
8 the tax shall not go into effect until after an election is  
9 held and a simple majority of the qualified electors voting in  
10 the election votes in favor of imposing the tax. The governing  
11 body shall provide for an election within sixty days after the  
12 day the ordinance is adopted. The question may be submitted to  
13 the electors and voted upon as a separate question at any  
14 general election or at any special election called for that  
15 purpose by the governing body. The election upon the question  
16 shall be called, held, conducted and canvassed in substantially  
17 the same manner as provided by law for general elections. "

18 Section 5. A new Section 7-24C-5 NMSA 1978 is enacted to  
19 read:

20 "7-24C-5. [NEW MATERIAL] ORDINANCE TO CONFORM TO GASOLINE  
21 TAX ACT--EFFECTIVE DATE OF TAX--SUBMISSION TO DEPARTMENT. --

22 A. An ordinance imposing a county or municipal  
23 local gasoline tax shall contain or adopt by reference the same  
24 definitions and the same provisions relating to deductions,  
25 refunds and credits as are contained in the Gasoline Tax Act.

1           B. Within five days after passage of a county or  
2 municipal local gasoline tax ordinance, the governing body of  
3 the county or municipality shall submit a certified copy of the  
4 ordinance to the department.

5           C. An ordinance imposing a county or municipal  
6 local gasoline tax shall include an effective date for the tax  
7 of January 1 or July 1, whichever date occurs first after the  
8 expiration of at least ninety days from the date the adopted  
9 ordinance is mailed or delivered to the department. "

10           Section 6. A new Section 7-24C-6 NMSA 1978 is enacted to  
11 read:

12           "7-24C-6. [NEW MATERIAL] COLLECTION BY DEPARTMENT--  
13 ADMINISTRATIVE CHARGE. --

14           A. The department shall collect a county or  
15 municipal local gasoline tax imposed pursuant to the Local  
16 Gasoline Tax Act. Every person subject to the imposition of a  
17 county or municipal local gasoline tax shall file a return on  
18 forms provided by and with the information required by the  
19 department and shall pay the tax due on or before the twenty-  
20 fifth day of the second month following the month in which the  
21 gasoline is received in New Mexico and distributed within the  
22 boundaries of the county or municipality imposing the tax.

23           B. The department may deduct an amount not to  
24 exceed three percent of the county or municipal local gasoline  
25 tax as a charge for the administrative costs of collection.

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1 After any deduction for administrative costs and less any  
2 disbursements for tax credits, refunds and the payment of  
3 interest applicable to the local gasoline tax, the department  
4 shall transfer the remainder of the local gasoline tax within  
5 the month following the month in which the tax is collected to  
6 the county or municipality imposing the tax."

7 Section 7. A new Section 7-24C-7 NMSA 1978 is enacted to  
8 read:

9 "7-24C-7. [NEW MATERIAL] INTERPRETATION OF ACT--  
10 ADMINISTRATION AND ENFORCEMENT OF THE TAX. --

11 A. The department shall interpret the provisions of  
12 the Local Gasoline Tax Act.

13 B. The department shall administer and enforce the  
14 Local Gasoline Tax Act, and the Tax Administration Act applies  
15 to the collection and enforcement of the county local gasoline  
16 tax and the municipal local gasoline tax."

17 Section 8. Section 3-31-1 NMSA 1978 (being Laws 1973,  
18 Chapter 395, Section 3, as amended) is amended to read:

19 "3-31-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF  
20 REVENUES--LIMITATION ON TIME OF ISSUANCE.--In addition to any  
21 other law and constitutional home rule powers authorizing a  
22 municipality to issue revenue bonds, a municipality may issue  
23 revenue bonds pursuant to Chapter 3, Article 31 NMSA 1978 for  
24 the purposes specified in this section. The term "pledged  
25 revenues", as used in Chapter 3, Article 31 NMSA 1978, means

1 the revenues, net income or net revenues authorized to be  
 2 pledged to the payment of particular revenue bonds as  
 3 specifically provided in Subsections A through [~~F~~] J of this  
 4 section.

5 A. Utility revenue bonds may be issued for  
 6 acquiring, extending, enlarging, bettering, repairing or  
 7 otherwise improving a municipal utility or for any combination  
 8 of the foregoing purposes. The municipality may pledge  
 9 irrevocably any or all of the net revenues from the operation  
 10 of the municipal utility or of any one or more of other such  
 11 municipal utilities for payment of the interest on and  
 12 principal of the revenue bonds. These bonds are sometimes  
 13 referred to in Chapter 3, Article 31 NMSA 1978 as "utility  
 14 revenue bonds" or "utility bonds".

15 B. Joint utility revenue bonds may be issued for  
 16 acquiring, extending, enlarging, bettering, repairing or  
 17 otherwise improving joint water facilities, sewer facilities,  
 18 gas facilities or electric facilities or for any combination of  
 19 the foregoing purposes. The municipality may pledge  
 20 irrevocably any or all of the net revenues from the operation  
 21 of these municipal utilities for the payment of the interest on  
 22 and principal of the bonds. These bonds are sometimes referred  
 23 to in Chapter 3, Article 31 NMSA 1978 as "joint utility revenue  
 24 bonds" or "joint utility bonds".

25 C. For the purposes of this subsection, "gross

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1 receipts tax revenue bonds" means gross receipts tax revenue  
2 bonds or sales tax revenue bonds. Gross receipts tax revenue  
3 bonds may be issued for any one or more of the following  
4 purposes:

5 (1) constructing, purchasing, furnishing,  
6 equipping, rehabilitating, making additions to or making  
7 improvements to one or more public buildings or purchasing or  
8 improving any ground relating thereto, including but not  
9 necessarily limited to acquiring and improving parking lots, or  
10 any combination of the foregoing;

11 (2) acquiring or improving municipal or public  
12 parking lots, structures or facilities or any combination of  
13 the foregoing;

14 (3) purchasing, acquiring or rehabilitating  
15 firefighting equipment or any combination of the foregoing;

16 (4) acquiring, extending, enlarging,  
17 bettering, repairing, otherwise improving or maintaining storm  
18 sewers and other drainage improvements, sanitary sewers, sewage  
19 treatment plants or water utilities, including but not  
20 necessarily limited to the acquisition of rights of way and  
21 water and water rights, or any combination of the foregoing;

22 (5) reconstructing, resurfacing, maintaining,  
23 repairing or otherwise improving existing alleys, streets,  
24 roads or bridges or any combination of the foregoing or laying  
25 off, opening, constructing or otherwise acquiring new alleys,

1 streets, roads or bridges or any combination of the foregoing;  
 2 provided that any of the foregoing improvements may include but  
 3 are not limited to the acquisition of rights of way;

4 (6) purchasing, acquiring, constructing,  
 5 making additions to, enlarging, bettering, extending or  
 6 equipping airport facilities or any combination of the  
 7 foregoing, including without limitation the acquisition of  
 8 land, easements or rights of way therefor;

9 (7) purchasing or otherwise acquiring or  
 10 clearing land or for purchasing, otherwise acquiring and  
 11 beautifying land for open space;

12 (8) acquiring, constructing, purchasing,  
 13 equipping, furnishing, making additions to, renovating,  
 14 rehabilitating, beautifying or otherwise improving public  
 15 parks, public recreational buildings or other public  
 16 recreational facilities or any combination of the foregoing;

17 (9) acquiring, constructing, extending,  
 18 enlarging, bettering, repairing, otherwise improving or  
 19 maintaining solid waste disposal equipment, equipment for  
 20 operation and maintenance of sanitary landfills, sanitary  
 21 landfills, solid waste facilities or any combination of the  
 22 foregoing; and

23 (10) acquiring, constructing, extending,  
 24 bettering, repairing or otherwise improving a public transit  
 25 system or regional transit systems or facilities.

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1           The municipality may pledge irrevocably any or all of the  
2 gross receipts tax revenue received by the municipality  
3 pursuant to Section 7-1-6.4 or 7-1-6.12 NMSA 1978 to the  
4 payment of the interest on and principal of the gross receipts  
5 tax revenue bonds for any of the purposes authorized in this  
6 section or for specific purposes or for any area of municipal  
7 government services, including but not limited to those  
8 specified in Subsection C of Section 7-19D-9 NMSA 1978, or for  
9 public purposes authorized by municipalities having  
10 constitutional home rule charters. A law that imposes or  
11 authorizes the imposition of a municipal gross receipts tax or  
12 that affects the municipal gross receipts tax, or a law  
13 supplemental thereto or otherwise appertaining thereto, shall  
14 not be repealed or amended or otherwise directly or indirectly  
15 modified in such a manner as to impair adversely any  
16 outstanding revenue bonds that may be secured by a pledge of  
17 such municipal gross receipts tax unless the outstanding  
18 revenue bonds have been discharged in full or provision has  
19 been fully made therefor.

20           Revenues in excess of the annual principal and interest  
21 due on gross receipts tax revenue bonds secured by a pledge of  
22 gross receipts tax revenue may be accumulated in a debt service  
23 reserve account. The governing body of the municipality may  
24 appoint a commercial bank trust department to act as trustee of  
25 the gross receipts tax revenue and to administer the payment of

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1 principal of and interest on the bonds.

2 D. As used in this section, the term "public  
3 building" includes but is not limited to fire stations, police  
4 buildings, municipal jails, regional jails or juvenile  
5 detention facilities, libraries, museums, auditoriums,  
6 convention halls, hospitals, buildings for administrative  
7 offices, city halls and garages for housing, repairing and  
8 maintaining city vehicles and equipment. As used in Chapter 3,  
9 Article 31 NMSA 1978, the term "gross receipts tax revenue  
10 bonds" means the bonds authorized in Subsection C of this  
11 section, and the term "gross receipts tax revenue" means the  
12 amount of money distributed to the municipality as authorized  
13 by Section 7-1-6.4 NMSA 1978 or the amount of money transferred  
14 to the municipality as authorized by Section 7-1-6.12 NMSA 1978  
15 for any municipal gross receipts tax imposed pursuant to the  
16 Municipal Local Option Gross Receipts Taxes Act. As used in  
17 Chapter 3, Article 31 NMSA 1978, the term "bond" means any  
18 obligation of a municipality issued under Chapter 3, Article 31  
19 NMSA 1978, whether designated as a bond, note, loan, warrant,  
20 debenture, lease-purchase agreement or other instrument  
21 evidencing an obligation of a municipality to make payments.

22 E. Gasoline tax revenue bonds may be issued for  
23 laying off, opening, constructing, reconstructing, resurfacing,  
24 maintaining, acquiring rights of way, repairing and otherwise  
25 improving municipal buildings, alleys, streets, public roads

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1 and bridges or any combination of the foregoing purposes. The  
2 municipality may pledge irrevocably any or all of the gasoline  
3 tax revenue received by the municipality to the payment of the  
4 interest on and principal of the gasoline tax revenue bonds.  
5 As used in Chapter 3, Article 31 NMSA 1978, "gasoline tax  
6 revenue bonds" means the bonds authorized in this subsection,  
7 and "gasoline tax revenue" means all or portions of the amounts  
8 of tax revenues distributed to municipalities pursuant to  
9 Sections 7-1-6.9 and 7-1-6.27 NMSA 1978, as from time to time  
10 amended and supplemented.

11 F. Project revenue bonds may be issued for  
12 acquiring, extending, enlarging, bettering, repairing,  
13 improving, constructing, purchasing, furnishing, equipping and  
14 rehabilitating any revenue-producing project, including, where  
15 applicable, purchasing, otherwise acquiring or improving the  
16 ground therefor, including but not necessarily limited to  
17 acquiring and improving parking lots, or for any combination of  
18 the foregoing purposes. The municipality may pledge  
19 irrevocably any or all of the net revenues from the operation  
20 of the revenue-producing project for which the particular  
21 project revenue bonds are issued to the payment of the interest  
22 on and principal of the project revenue bonds. The net  
23 revenues of any revenue-producing project may not be pledged to  
24 the project revenue bonds issued for a revenue-producing  
25 project that clearly is unrelated in nature; but nothing in

1 this subsection shall prevent the pledge to such project  
 2 revenue bonds of any revenues received from existing, future or  
 3 disconnected facilities and equipment that are related to and  
 4 that may constitute a part of the particular revenue-producing  
 5 project. A general determination by the governing body that  
 6 any facilities or equipment is reasonably related to and  
 7 constitutes a part of a specified revenue-producing project  
 8 shall be conclusive if set forth in the proceedings authorizing  
 9 the project revenue bonds. As used in Chapter 3, Article 31  
 10 NMSA 1978:

11 (1) "project revenue bonds" means the bonds  
 12 authorized in this subsection; and

13 (2) "project revenues" means the net revenues  
 14 of revenue-producing projects that may be pledged to project  
 15 revenue bonds pursuant to this subsection.

16 G. Fire district revenue bonds may be issued for  
 17 acquiring, extending, enlarging, bettering, repairing,  
 18 improving, constructing, purchasing, furnishing, equipping and  
 19 rehabilitating any fire district project, including where  
 20 applicable purchasing, otherwise acquiring or improving the  
 21 ground therefor, or for any combination of the foregoing  
 22 purposes. The municipality may pledge irrevocably any or all  
 23 of the revenues received by the fire district from the fire  
 24 protection fund as provided in the Fire Protection Fund Law and  
 25 any or all of the revenues provided for the operation of the

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1 fire district project for which the particular bonds are issued  
2 to the payment of the interest on and principal of the bonds.  
3 The revenues of any fire district project shall not be pledged  
4 to the bonds issued for a fire district project that clearly is  
5 unrelated in its purpose; but nothing in this section prevents  
6 the pledge to such bonds of any revenues received from  
7 existing, future or disconnected facilities and equipment that  
8 are related to and that may constitute a part of the particular  
9 fire district project. A general determination by the  
10 governing body of the municipality that any facilities or  
11 equipment is reasonably related to and constitutes a part of a  
12 specified fire district project shall be conclusive if set  
13 forth in the proceedings authorizing the fire district bonds.

14 H. Law enforcement protection revenue bonds may be  
15 issued for the repair and purchase of law enforcement apparatus  
16 and equipment that meet nationally recognized standards. The  
17 municipality may pledge irrevocably any or all of the revenues  
18 received by the municipality from the law enforcement  
19 protection fund distributions pursuant to the Law Enforcement  
20 Protection Fund Act to the payment of the interest on and  
21 principal of the law enforcement protection revenue bonds.

22 I. Economic development gross receipts tax revenue  
23 bonds may be issued for the purpose of furthering economic  
24 development projects as defined in the Local Economic  
25 Development Act. The municipality may pledge irrevocably any

1 or all of the revenue received from the municipal  
 2 infrastructure gross receipts tax to the payment of the  
 3 interest on and principal of the economic development gross  
 4 receipts tax revenue bonds for any of the purposes authorized  
 5 in this subsection. A law that imposes or authorizes the  
 6 imposition of a municipal infrastructure gross receipts tax or  
 7 that affects the municipal infrastructure gross receipts tax,  
 8 or a law supplemental to or otherwise pertaining to the tax,  
 9 shall not be repealed or amended or otherwise directly or  
 10 indirectly modified in such a manner as to impair adversely any  
 11 outstanding revenue bonds that may be secured by a pledge of  
 12 the municipal infrastructure gross receipts tax unless the  
 13 outstanding revenue bonds have been discharged in full or  
 14 provision has been fully made for their discharge. As used in  
 15 Chapter 3, Article 31 NMSA 1978, "economic development gross  
 16 receipts tax revenue bonds" means the bonds authorized in this  
 17 subsection, and "municipal infrastructure gross receipts tax  
 18 revenue" means any or all of the revenue from the municipal  
 19 infrastructure gross receipts tax transferred to the  
 20 municipality pursuant to Section 7-1-6.12 NMSA 1978.

21 J. Public transit revenue bonds may be issued for  
 22 the acquisition, planning, design or construction of or  
 23 improvements to a public transit or light rail system and the  
 24 acquisition of rights of way and construction of track for such  
 25 a system and for the acquisition, maintenance or repair of or

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1 improvements to track, vehicles or other equipment or  
2 facilities necessary to operate a public transit or light rail  
3 system. A municipality may pledge irrevocably any or all of  
4 the revenues received by the municipality from a municipal  
5 local gasoline tax imposed pursuant to Section 7-24C-4 NMSA  
6 1978 to the payment of the interest on and principal of the  
7 public transit revenue bonds for the purposes authorized in  
8 this subsection. A law that imposes or authorizes the  
9 imposition of a municipal local gasoline tax or that affects  
10 the municipal local gasoline tax, or a law supplemental thereto  
11 or otherwise pertaining to the tax, shall not be repealed or  
12 amended or otherwise directly or indirectly modified in such a  
13 manner as to impair adversely any outstanding revenue bonds  
14 that may be secured by a pledge of the municipal local gasoline  
15 tax unless the outstanding revenue bonds have been discharged  
16 in full or provision has been fully made for their discharge.  
17 As used in Chapter 3, Article 31 NMSA 1978, "public transit  
18 revenue bonds" means the bonds authorized in this subsection.

19           ~~[J.]~~ K. Except for the purpose of refunding  
20 previous revenue bond issues, no municipality may sell revenue  
21 bonds payable from pledged revenues after the expiration of two  
22 years from the date of the ordinance authorizing the issuance  
23 of the bonds or, for bonds to be issued and sold to the New  
24 Mexico finance authority as authorized in Subsection C of  
25 Section 3-31-4 NMSA 1978, after the expiration of two years

1 from the date of the resolution authorizing the issuance of the  
 2 bonds. However, any period of time during which a particular  
 3 revenue bond issue is in litigation shall not be counted in  
 4 determining the expiration date of that issue."

5 Section 9. Section 4-62-1 NMSA 1978 (being Laws 1992,  
 6 Chapter 95, Section 1, as amended by Laws 2001, Chapter 172,  
 7 Section 3 and also by Laws 2001, Chapter 328, Section 2) is  
 8 amended to read:

9 "4-62-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF  
 10 REVENUES--LIMITATION ON TIME OF ISSUANCE.--

11 A. In addition to any other law authorizing a  
 12 county to issue revenue bonds, a county may issue revenue bonds  
 13 pursuant to Chapter 4, Article 62 NMSA 1978 for the purposes  
 14 specified in this section. The term "pledged revenues", as  
 15 used in Chapter 4, Article 62 NMSA 1978, means the revenues,  
 16 net income or net revenues authorized to be pledged to the  
 17 payment of particular revenue bonds as specifically provided in  
 18 Subsections B through [E] M of this section.

19 B. Gross receipts tax revenue bonds may be issued  
 20 for one or more of the following purposes:

- 21 (1) constructing, purchasing, furnishing,  
 22 equipping, rehabilitating, making additions to or making  
 23 improvements to one or more public buildings or purchasing or  
 24 improving ground relating thereto, including but not  
 25 necessarily limited to acquiring and improving parking lots, or

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1 any combination of the foregoing;

2 (2) acquiring or improving county or public  
3 parking lots, structures or facilities or any combination of  
4 the foregoing;

5 (3) purchasing, acquiring or rehabilitating  
6 firefighting equipment or any combination of the foregoing;

7 (4) acquiring, extending, enlarging,  
8 bettering, repairing, otherwise improving or maintaining storm  
9 sewers and other drainage improvements, sanitary sewers, sewage  
10 treatment plants, water utilities or other water, wastewater or  
11 related facilities, including but not limited to the  
12 acquisition of rights of way and water and water rights, or any  
13 combination of the foregoing;

14 (5) reconstructing, resurfacing, maintaining,  
15 repairing or otherwise improving existing alleys, streets,  
16 roads or bridges or any combination of the foregoing or laying  
17 off, opening, constructing or otherwise acquiring new alleys,  
18 streets, roads or bridges or any combination of the foregoing;  
19 provided that any of the foregoing improvements may include the  
20 acquisition of rights of way;

21 (6) purchasing, acquiring, constructing,  
22 making additions to, enlarging, bettering, extending or  
23 equipping airport facilities or any combination of the  
24 foregoing, including without limitation the acquisition of  
25 land, easements or rights of way;

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1 (7) purchasing or otherwise acquiring or  
 2 clearing land or purchasing, otherwise acquiring and  
 3 beautifying land for open space;

4 (8) acquiring, constructing, purchasing,  
 5 equipping, furnishing, making additions to, renovating,  
 6 rehabilitating, beautifying or otherwise improving public  
 7 parks, public recreational buildings or other public  
 8 recreational facilities or any combination of the foregoing;

9 (9) acquiring, constructing, extending,  
 10 enlarging, bettering, repairing or otherwise improving or  
 11 maintaining solid waste disposal equipment, equipment for  
 12 operation and maintenance of sanitary landfills, sanitary  
 13 landfills, solid waste facilities or any combination of the  
 14 foregoing; or

15 (10) acquiring, constructing, extending,  
 16 bettering, repairing or otherwise improving public transit  
 17 systems or any regional transit systems or facilities.

18 A county may pledge irrevocably any or all of the revenue  
 19 from the first one-eighth of one percent increment and the  
 20 third one-eighth of one percent increment of the county gross  
 21 receipts tax and any increment of the county infrastructure  
 22 gross receipts tax and county capital outlay gross receipts tax  
 23 for payment of principal and interest due in connection with,  
 24 and other expenses related to, gross receipts tax revenue bonds  
 25 for any of the purposes authorized in this section or specific

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1 purposes or for any area of county government services. If the  
2 revenue from the first one-eighth of one percent increment or  
3 the third one-eighth of one percent increment of the county  
4 gross receipts tax or any increment of the county  
5 infrastructure gross receipts tax or county capital outlay  
6 gross receipts tax is pledged for payment of principal and  
7 interest as authorized by this subsection, the pledge shall  
8 require the revenues received from that increment of the county  
9 gross receipts tax or any increment of the county  
10 infrastructure gross receipts tax or county capital outlay  
11 gross ~~[receipt]~~ receipts tax to be deposited into a special  
12 bond fund for payment of the principal, interest and expenses.  
13 At the end of each fiscal year, money remaining in the special  
14 bond fund after the annual obligations for the bonds are fully  
15 met may be transferred to any other fund of the county.

16 Revenues in excess of the annual principal and interest  
17 due on gross receipts tax revenue bonds secured by a pledge of  
18 gross receipts tax revenue may be accumulated in a debt service  
19 reserve account. The governing body of the county may appoint  
20 a commercial bank trust department to act as trustee of the  
21 proceeds of the tax and to administer the payment of principal  
22 of and interest on the bonds.

23 C. Fire protection revenue bonds may be issued for  
24 acquiring, extending, enlarging, bettering, repairing,  
25 improving, constructing, purchasing, furnishing, equipping or

1     rehabilitating any independent fire district project or  
 2     facilities, including where applicable purchasing, otherwise  
 3     acquiring or improving the ground for the project, or any  
 4     combination of such purposes. A county may pledge irrevocably  
 5     any or all of the county fire protection excise tax revenue for  
 6     payment of principal and interest due in connection with, and  
 7     other expenses related to, fire protection revenue bonds.  
 8     These bonds may be referred to in Chapter 4, Article 62 NMSA  
 9     1978 as "fire protection revenue bonds".

10           D. Environmental revenue bonds may be issued for  
 11     the acquisition and construction of solid waste facilities,  
 12     water facilities, wastewater facilities, sewer systems and  
 13     related facilities. A county may pledge irrevocably any or all  
 14     of the county environmental services gross receipts tax revenue  
 15     for payment of principal and interest due in connection with,  
 16     and other expenses related to, environmental revenue bonds.  
 17     These bonds may be referred to in Chapter 4, Article 62 NMSA  
 18     1978 as "environmental revenue bonds".

19           E. Gasoline tax revenue bonds may be issued for the  
 20     acquisition of rights of way for and the construction,  
 21     reconstruction, resurfacing, maintenance, repair or other  
 22     improvement of county roads and bridges. A county may pledge  
 23     irrevocably any or all of the county gasoline tax revenue for  
 24     payment of principal and interest due in connection with, and  
 25     other expenses related to, county gasoline tax revenue bonds.

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1 These bonds may be referred to in Chapter 4, Article 62 NMSA  
2 1978 as "gasoline tax revenue bonds".

3 F. Utility revenue bonds or joint utility revenue  
4 bonds may be issued for acquiring, extending, enlarging,  
5 bettering, repairing or otherwise improving water facilities,  
6 sewer facilities, gas facilities or electric facilities or for  
7 any combination of the foregoing purposes. A county may pledge  
8 irrevocably any or all of the net revenues from the operation  
9 of the utility or joint utility for which the particular  
10 utility or joint utility bonds are issued to the payment of  
11 principal and interest due in connection with, and other  
12 expenses related to, utility or joint utility revenue bonds.  
13 These bonds may be referred to in Chapter 4, Article 62 NMSA  
14 1978 as "utility revenue bonds" or "joint utility revenue  
15 bonds".

16 G. Project revenue bonds may be issued for  
17 acquiring, extending, enlarging, bettering, repairing,  
18 improving, constructing, purchasing, furnishing, equipping or  
19 rehabilitating any revenue-producing project, including as  
20 applicable purchasing, otherwise acquiring or improving the  
21 ground therefor and including but not limited to acquiring and  
22 improving parking lots, or may be issued for any combination of  
23 the foregoing purposes. The county may pledge irrevocably any  
24 or all of the net revenues from the operation of the revenue-  
25 producing project for which the particular project revenue

1 bonds are issued to the payment of the interest on and  
 2 principal of the project revenue bonds. The net revenues of  
 3 any revenue-producing project [~~may~~] shall not be pledged to the  
 4 project revenue bonds issued for any other revenue-producing  
 5 project that is clearly unrelated in nature; but nothing in  
 6 this subsection prevents the pledge to any of the project  
 7 revenue bonds of the revenues received from existing, future or  
 8 disconnected facilities and equipment that are related to and  
 9 that may constitute a part of the particular revenue-producing  
 10 project. A general determination by the governing body that  
 11 facilities or equipment is reasonably related to and  
 12 constitutes a part of a specified revenue-producing project  
 13 shall be conclusive if set forth in the proceedings authorizing  
 14 the project revenue bonds. As used in Chapter 4, Article 62  
 15 NMSA 1978:

16 (1) "project revenue bonds" means the bonds  
 17 authorized in this subsection; and

18 (2) "project revenues" means the net revenues  
 19 of revenue-producing projects that may be pledged to project  
 20 revenue bonds pursuant to this subsection.

21 H. Fire district revenue bonds may be issued for  
 22 acquiring, extending, enlarging, bettering, repairing,  
 23 improving, constructing, purchasing, furnishing, equipping and  
 24 rehabilitating any fire district project, including where  
 25 applicable purchasing, otherwise acquiring or improving the

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1 ground therefor, or for any combination of the foregoing  
2 purposes. The county may pledge irrevocably any or all of the  
3 revenues received by the fire district from the fire protection  
4 fund as provided in the Fire Protection Fund Law and any or all  
5 of the revenues provided for the operation of the fire district  
6 project for which the particular bonds are issued to the  
7 payment of the interest on and principal of the bonds. The  
8 revenues of a fire district project shall not be pledged to the  
9 bonds issued for a fire district project that clearly is  
10 unrelated in its purpose; but nothing in this section prevents  
11 the pledge to such bonds of revenues received from existing,  
12 future or disconnected facilities and equipment that are  
13 related to and that may constitute a part of the particular  
14 fire district project. A general determination by the  
15 governing body of the county that facilities or equipment is  
16 reasonably related to and constitutes a part of a specified  
17 fire district project shall be conclusive if set forth in the  
18 proceedings authorizing the fire district revenue bonds.

19 I. Law enforcement protection revenue bonds may be  
20 issued for the repair and purchase of law enforcement apparatus  
21 and equipment that meet nationally recognized standards. The  
22 county may pledge irrevocably any or all of the revenues  
23 received by the county from the law enforcement protection fund  
24 distributions pursuant to the Law Enforcement Protection Fund  
25 Act to the payment of the interest on and principal of the law

1 enforcement protection revenue bonds.

2 J. Hospital emergency gross receipts tax revenue  
 3 bonds may be issued for acquiring, equipping, remodeling or  
 4 improving a county hospital or county health facility. A  
 5 county may pledge irrevocably to the payment of the interest on  
 6 and principal of the hospital emergency gross receipts tax  
 7 revenue bonds any or all of the revenues received by the county  
 8 from a county hospital emergency gross receipts tax imposed  
 9 pursuant to Section 7-20E-12.1 NMSA 1978 and dedicated to  
 10 payment of bonds or a loan for acquiring, equipping, remodeling  
 11 or improving a county hospital or county health facility.

12 K. Economic development gross receipts tax revenue  
 13 bonds may be issued for the purpose of furthering economic  
 14 development projects as defined in the Local Economic  
 15 Development Act. A county may pledge irrevocably any or all of  
 16 the county infrastructure gross receipts tax to the payment of  
 17 the interest on and principal of the economic development gross  
 18 receipts tax revenue bonds for the purpose authorized in this  
 19 subsection.

20 L. County education gross receipts tax revenue  
 21 bonds may be issued for public school or off-campus instruction  
 22 program capital projects as authorized in Section 7-20E-20 NMSA  
 23 1978. A county may pledge irrevocably any or all of the county  
 24 education gross receipts tax revenue to the payment of interest  
 25 on and principal of the county education gross receipts tax

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1 revenue bonds for the purpose authorized in this section.

2 M Public transit revenue bonds may be issued for  
3 the acquisition, planning, design or construction of or  
4 improvements to a public transit or light rail system and the  
5 acquisition of rights of way and construction of track for such  
6 a system and for the acquisition, maintenance or repair of or  
7 improvements to track, vehicles or other equipment or  
8 facilities necessary to operate a public transit or light rail  
9 system. A county may pledge irrevocably the revenue received  
10 by the county from a county local gasoline tax imposed pursuant  
11 to Section 7-24C-3 NMSA 1978 to the payment of the interest on  
12 and principal of the public transit revenue bonds for the  
13 purposes authorized in this subsection.

14 ~~[M-]~~ N. Except for the purpose of refunding  
15 previous revenue bond issues, no county may sell revenue bonds  
16 payable from pledged revenue after the expiration of two years  
17 from the date of the ordinance authorizing the issuance of the  
18 bonds or, for bonds to be issued and sold to the New Mexico  
19 finance authority as authorized in Subsection C of Section  
20 4-62-4 NMSA 1978, after the expiration of two years from the  
21 date of the resolution authorizing the issuance of the bonds.  
22 However, any period of time during which a particular revenue  
23 bond issue is in litigation shall not be counted in determining  
24 the expiration date of that issue.

25 ~~[N-]~~ 0. No bonds may be issued by a county, other

1 than an H class county, a class B county as defined in Section  
 2 4-36-8 NMSA 1978 or a class A county as described in Section  
 3 4-36-10 NMSA 1978, to acquire, equip, extend, enlarge, better,  
 4 repair or construct a utility unless the utility is regulated  
 5 by the public regulation commission pursuant to the Public  
 6 Utility Act and the issuance of the bonds is approved by the  
 7 commission. For purposes of Chapter 4, Article 62 NMSA 1978, a  
 8 "utility" includes but is not limited to a water, wastewater,  
 9 sewer, gas or electric utility or joint utility serving the  
 10 public. H class counties shall obtain public regulation  
 11 commission approvals required by Section 3-23-3 NMSA 1978.

12 ~~[P.]~~ P. Any law that imposes or authorizes the  
 13 imposition of a county gross receipts tax, a county  
 14 environmental services gross receipts tax, a county fire  
 15 protection excise tax, a county infrastructure gross receipts  
 16 tax, the county education gross receipts tax, a county capital  
 17 outlay gross receipts tax, the gasoline tax, ~~[or]~~ the county  
 18 hospital emergency gross receipts tax or the county local  
 19 gasoline tax, or that affects any of those taxes, shall not be  
 20 repealed or amended in such a manner as to impair outstanding  
 21 revenue bonds that are issued pursuant to Chapter 4, Article 62  
 22 NMSA 1978 and that may be secured by a pledge of those taxes  
 23 unless the outstanding revenue bonds have been discharged in  
 24 full or provision has been fully made therefor.

25 ~~[P.]~~ Q. As used in this section:

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1 (1) "county infrastructure gross receipts tax  
2 revenue" means the revenue from the county infrastructure gross  
3 receipts tax transferred to the county pursuant to Section  
4 7-1-6.13 NMSA 1978;

5 (2) "county capital outlay gross receipts tax  
6 revenue" means the revenue from the county capital outlay gross  
7 receipts tax transferred to the county pursuant to Section  
8 7-1-6.13 NMSA 1978;

9 (3) "county education gross receipts tax  
10 revenue" means the revenue from the county education gross  
11 receipts tax transferred to the county pursuant to Section  
12 7-1-6.13 NMSA 1978;

13 (4) "county environmental services gross  
14 receipts tax revenue" means the revenue from the county  
15 environmental services gross receipts tax transferred to the  
16 county pursuant to Section 7-1-6.13 NMSA 1978;

17 (5) "county fire protection excise tax  
18 revenue" means the revenue from the county fire protection  
19 excise tax transferred to the county pursuant to Section  
20 7-1-6.13 NMSA 1978;

21 (6) "county gross receipts tax revenue" means  
22 the revenue attributable to the first one-eighth of one percent  
23 and the third one-eighth of one percent increments of the  
24 county gross receipts tax transferred to the county pursuant to  
25 Section 7-1-6.13 NMSA 1978 and any distribution related to the

1 first one-eighth of one percent made pursuant to Section  
2 7-1-6.16 NMSA 1978;

3 (7) "gasoline tax revenue" means the revenue  
4 from that portion of the gasoline tax distributed to the county  
5 pursuant to Sections 7-1-6.9 and 7-1-6.26 NMSA 1978; and

6 (8) "public building" includes but is not  
7 limited to fire stations, police buildings, county or regional  
8 jails, county or regional juvenile detention facilities,  
9 libraries, museums, auditoriums, convention halls, hospitals,  
10 buildings for administrative offices, courthouses and garages  
11 for housing, repairing and maintaining county vehicles and  
12 equipment.

13 [~~Q-~~] R. As used in Chapter 4, Article 62 NMSA  
14 1978, the term "bond" means any obligation of a county issued  
15 under Chapter 4, Article 62 NMSA 1978, whether designated as a  
16 bond, note, loan, warrant, debenture, lease-purchase agreement  
17 or other instrument evidencing an obligation of a county to  
18 make payments. "

19 Section 10. REPEAL. -- Sections 7-24A-1 through 7-24A-21  
20 NMSA 1978 (being Laws 1978, Chapter 182, Section 1, Laws 1991,  
21 Chapter 156, Section 2, Laws 1978, Chapter 182, Sections 3  
22 through 6, Laws 1986, Chapter 74, Section 1, Laws 1978, Chapter  
23 182, Section 7, Laws 1990, Chapter 88, Section 8, Laws 1978,  
24 Chapter 182, Section 8 and Laws 1978, Chapter 182, Sections 10  
25 through 12 and 14 through 21, as amended) are repealed.

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